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09/881,040	06/15/2001	Colin I' Anson	1509-188	5161

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EXAMINER
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ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/04/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/881,040

Applicant(s)

I' ANSON ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,7-11 and 13-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7-11 and 13-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 03/16/04. Claims 1, 7-11 and 13-43 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-42 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the added limitations at this time.

Applicant's arguments with respect to claim 43 has been fully considered but they are not persuasive.

Regarding claim 43, the Applicant argues on page 14, lines 2-14 that Irvin does not disclose modifying the location data as part of delivery of a message initiated to detect a user of a service instance associated with the user by a service instance element. The examiner disagrees with this argument. Irvin discloses that location data defining a location of interest, which is different than the terminal's current geographic location, is loaded into the register (abstract; page 5, lines 5-10). Furthermore, Irvin discloses that the header of the message is changed (i.e., modified) based on the target location (page 12, line 17-page13, line 12). Therefore, it is clear that Irvin discloses modifying the location data as part of delivery of a message initiated to detect a user of a message (i.e., service instance) associated with the user by a message source (i.e., service instance element). Thus the rejection of the claim in view of Irvin remain.

***Claim Objections***

3. Claims 7, 19, 20 and 32 are objected to because of the following informalities:

Regarding claims 7 and 32, the use of "public-key/private key" makes the claims indefinite since the slash mark means either "and" or "or". Appropriate correction is required.

Regarding claims 19 and 20, the claims' numbers are duplicated on page 6. Appropriate correction is required

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 43 is rejected under 35 U.S.C. 102(e) as being anticipated by Irvin (International Pub. No. WO 00/30379).

Regarding claim 43, Irvin teaches location data indicative of at least one location where message (i.e., service) delivery is to be triggered (abstract; fig.1, fig.3; page 4, lines 14-20, page 10, lines 6-14, 23, 24).

Irvin further teaches a message source (i.e., service instance element) that associates the user and the message for which the user has been qualified (abstract; fig.1, fig.3; page 4, lines 14-20, page 10, lines 6-14, 23, 24).

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Irvin further teaches subsequently detecting a location match between the location of the user, as indicated by the location of a mobile entity associated with the user, and a location indicated by the location data, and thereupon initiating delivery to the user of the message (i.e., service instance) associated with the user by the message source (abstract; fig.1, fig.3; page 4, lines 14-20, page 10, lines 6-14, 23, 24).

Irvin further teaches that modifying the location data as part of delivery of the message (i.e., service instance) initiated in step (b) (abstract; fig.1, fig.2; page 5, lines 5-10, page 10, lines 6-14, 23, 24, page 11, lines 1-6, page 12, line 17-page13, line 12).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 7-11 and 13-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (International Pub. No. WO 00/30379) and in view of Suzuki (U.S. Patent No. 6,129,274).

Regarding claim 1, Irvin teaches location data indicative of at least one location where message (i.e., service) delivery is to be triggered (abstract; page 4, lines 14-20).

Irvin further teaches a Broadcast Group code field (i.e., user-associated instance of executable program code) for implementing the particular message (i.e., service) (abstract; fig.3; page 10, lines 6-14, 23, 24).

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Irvin further teaches subsequently detecting a location match between the location of the user, as indicated by the location of a mobile entity associated with the user, and a location indicated by the location data, and thereupon initiating execution of the Broadcast Group code field (i.e., user-associated program-code instance) to deliver the particular message (i.e., service) to the user (abstract; fig.3; page 4, lines 14-20, page 10, lines 6-14, 23, 24).

However, Irvin fails to teach “conducting a transaction of a user purchasing a service or product”. Suzuki teaches conducting a transaction of a user purchasing a service or product (abstract; fig.1; col.8, lines 54-61). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin to incorporate a feature of conducting a transaction of a user purchasing a service or product as taught by Suzuki. The motivation for the modification is to have doing so in order to provide shopping transaction history data in a convenient form.

Irvin further fails to teach “a user associated instance of executable program code, customized for said transaction”. Suzuki teaches a user shopping history (i.e., user associated instance of executable program code), updated (i.e., customized) for the transaction (abstract; fig.1; col.8, lines 36-61, col.11, lines 3-19). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin to incorporate a user associated instance of executable program code, customized for the transaction as taught by Suzuki. The motivation for the modification is to have doing so in order to provide an up-to-date audit record of a customer’s transaction history data.

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Regarding claim 7, Irvin teaches that the Broadcast Group code field (i.e., user-associated program-code instance) includes user identity data and is digitally-signed by the party that carried out the qualification step (a) whereby the service provider system can check the authenticity of the data in the Broadcast Group code field, the user mobile entity having an associated To Address field (i.e., public-key/private-key pair) and being required by the service provider system to authenticate its identity by using its Address field (i.e., private key) to sign and return data proposed by the service provider system (abstract; fig.3; page 4, lines 14-20, page 10, lines 6-14, 23, 24).

Regarding claim 8, Irvin teaches that the Broadcast Group code field (i.e., user-associated program-code instance) is customization data of generic code for implementing the message (i.e., service) (abstract; fig.3; page 10, lines 6-14, 23, 24, page 11, lines 1-6).

Regarding claim 9, Irvin teaches that message (i.e., service) delivery is conditional upon the user loading a location data (i.e., inputting a personal identification code) (fig.4, fig.5; page 11, lines 12-23).

Regarding claim 10, Irvin teaches that the message (i.e., service) delivery only continues whilst the user's current location matches with a location indicated by the location data (abstract; fig.6; page 4, lines 14-20).

Regarding claim 11, Irvin teaches that once initiated, message (i.e., service) delivery is continued until completion (abstract; fig.6; page 4, lines 14-20).

Regarding claim 13, Irvin teaches that the location data is indicative of multiple locations (abstract; page 12, lines 6-8, 15, 16).

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Regarding claim 14, Irvin teaches that multiple Broadcast Group code field (i.e., user-associated program-code instances) associated with different messages (i.e., services) instances to be delivered to the same user, are stored in a common repository (fig.6; page 12, lines 6-8, 15, 16, page 12, lines 3-5, 14-24).

Regarding claim 15, Irvin teaches that the Broadcast Group code field (i.e., user-associated program-code instance) is passed by the party that carries out the qualification step to the user or to a third-party, the Broadcast Group code field (i.e., user-associated program-code instance) being digitally signed by the party that carries out the qualification step whereby to enable an eventual message (i.e., service) deliverer to check the origin and authenticity of the Broadcast Group code field (fig.6; page 12, lines 6-8, 15, 16, page 14, lines 3-5, 14-24).

Regarding claim 16, Irvin teaches that the current user location is provided to the entity carrying out location matching in step (b) by a trusted location service provider and is digitally-signed by the latter (abstract; fig.6; page 4, lines 14-20, page 14, lines 7-9).

Regarding claim 17, Irvin teaches that the Broadcast Group code field (i.e., user-associated program-code instance) specifies a particular number of times (including only once) that the Broadcast Group code field (i.e., user-associated program-code instance) can be run (fig.6; page 12, lines 6-8, 15, 16, page 14, lines 3-5, 14-24).

Regarding claim 23, Irvin teaches that the Broadcast Group code field (i.e., user-associated program-code instance) is stored in the mobile entity, the detection of a location match in step (b) resulting in the message text (i.e., program-code instance) being executed at the mobile entity (abstract; fig.2; page 10, lines 6-14, 23, 24, page 11, lines 12-23).



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Regarding claim 24, Irvin teaches that the Broadcast Group code field (i.e., user-associated program-code instance) is stored in the mobile entity, the detection of a location match in step (b) resulting in the message text (i.e., program-code instance) being passed from the mobile entity to a service provider system where it is executed (abstract; fig.1, fig.2; page 10, lines 6-14, 23, 24, page 11, lines 12-23).

Regarding claim 25, Irvin teaches that the Broadcast Group code field (i.e., user-associated program-code instance) is stored in the service provider system, the detection of a location match in step (b) resulting in the message text (i.e., program-code instance) being executed by the service provider system (abstract; fig.1, fig.2; page 10, lines 6-14, 23, 24, page 11, lines 12-23).

Regarding claim 26, Irvin teaches that the Broadcast Group code field (i.e., user-associated program code instance) and the location data are stored in the same entity (abstract; fig.1, fig.3; page 10, lines 6-14).

Regarding claim 27, Irvin teaches that the Broadcast Group code field (i.e., user-associated program code instance) and the location data are stored in the different entities, the location data having associated data enabling the entity storing the message text (i.e., program-code instance) to be informed when a location match is detected in step (b) (abstract; fig.1-fig.3; page 4, lines 14-20, page 10, lines 6-14, 23, 24, page 11, lines 12-23).

Regarding claim 18 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Irvin teaches a database or position memory (i.e., location-data repository) (fig.1, 2; page 6, lines 20-22, page 11, lines 12-23).

Irvin further teaches a message source (i.e., service repository) (fig. 1; page 7, lines 3-5).

Irvin further teaches a base station (i.e., service factory) (fig. 1; page 6, lines 12-20).

Irvin further teaches a message originator (i.e., qualification subsystem) to benefit from a particular location-triggered message (i.e., service), the message originator being arranged, upon determining that the user is so qualified, both to store in the database location data indicative of at least one location where message (i.e., service) delivery is to be triggered, and also to create in the base station and store in the message source a message text (i.e., program-code repository) a Broadcast Group code field (i.e., user-associated instance of executable program code) for implementing the particular message (abstract; fig. 1, fig. 3; page 4, lines 14-20, page 10, lines 6-14, 23, 24).

Irvin further teaches a message (i.e., service) execution environment for executing Broadcast Group code field (i.e., user-associated program-code instances) (abstract; fig. 1, fig. 3; page 4, lines 14-20, page 10, lines 6-14, 23, 24).

Irvin further teaches a location-match subsystem for detecting a location match between the location of the user, as indicated by the location of a mobile entity associated with the user, and a location indicated by the location data (abstract; fig. 1, fig. 3; page 4, lines 14-20, page 10, lines 6-14, 23, 24).

Irvin further teaches a control arrangement responsive to the location-match subsystem detecting a location match to initiate execution of the Broadcast Group code field (i.e., user-associated program-code instance) to deliver the particular message (i.e., service) to the user (abstract; fig. 1, fig. 3; page 4, lines 14-20, page 10, lines 6-14, 23, 24).

Regarding claim 19, Irvin teaches that the position memory (i.e., location repository) is incorporated in the mobile entity associated with the user (abstract; fig.2; page 11, lines 12-23). (Note:

Regarding claim 20, Irvin fails to teach "the service repository is incorporated in the mobile entity associated with the user". Suzuki teaches that the transaction history storage area 86 (i.e., service repository) is incorporated in the personal digital shopping assistant 10 (i.e., mobile entity) associated with the user (abstract; fig.1, 2; col.7, lines 58-67, col.8, lines 1-14, 54-61, col.10, lines 19-26, col.11, lines 3-19). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin to allow the service repository being incorporated in the mobile entity associated with the user as taught by Suzuki. The motivation for the modification is to have doing so in order to store a shopping transaction history data.

Regarding claim 21, Irvin teaches that the message (i.e., service) execution environment is incorporated in said mobile entity associated with the user (abstract; fig.2; page 11, lines 12-23).

Regarding claim 22, Irvin teaches that the message (i.e., service) execution environment is separate from the mobile entity but can inter-communicate with the latter via a wireless infrastructure at least when the mobile entity is positioned to give rise to a location match, the mobile entity being operative to pass the Broadcast Group code field (i.e., user-associated program-code instance) to the execution environment via the wireless infrastructure upon occurrence of a location match (abstract; fig.2, fig.3; page 4, lines 14-20, page 10, lines 6-14, 23, 24, page 11, lines 12-23).

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8. Claims 28-31 and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (International Pub. No. WO 00/30379) and in view of Scroggie et al. (U.S. Patent No. 6,185,541).

Regarding claim 28 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Irvin teaches that the transmission header (i.e., service token) indicative of the qualified user's entitlement to benefit from the particular service (fig.1, fig.2; page 4, lines 11-13, page 10, lines 6-14, 23, 24, page 11, lines 1-6). (Note: the mobile user gets particularly important message so that he/she can get benefit out of it)

However, Irvin fails to teach "a service identifier identifying said particular service". Scroggie teaches a specified customer id (i.e., service identifier) identifying the purchase of any number of selected items (i.e., particular service) (abstract; fig.14; col.12, lines 29-31). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin to allow a service identifier identifying the particular service as taught by Scroggie. The motivation for the modification is to have doing so in order to provide unique identification during the purchase transactions.

Irvin further teaches that the transmission header being stored in a mobile entity associated with the user (fig.1, fig.2; page 10, lines 6-14, 23, 24, page 11, lines 1-6).

Irvin further teaches that the service provider system checks that the transmission header originates from a party for which it is willing to provide service delivery before initiating delivery (fig.1, fig.2; page 10, lines 6-14, 23, 24, page 11, lines 1-6).

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Regarding claim 29, Irvin teaches that the transmission header (i.e., service token) includes communication address details of the service provider system (fig.1, fig.2; page 10, lines 6-14, 23, 24, page 11, lines 1-6).

Regarding claim 30, Irvin teaches that the transmission header (i.e., service token) includes inherently a password for accessing the service provider system (fig.1, fig.2; page 10, lines 6-14, 23, 24, page 11, lines 1-6).

Regarding claim 31, Irvin teaches that the transmission header (i.e., service token) includes both a message (i.e., service) identifier and a user identifier, step (b) including a sub-step of the service provider system checking the identity of the user of the mobile entity against the user identity in the transmission header (i.e., service token) (abstract; fig.1, fig.2; page 10, lines 6-14, 23, 24, page 11, lines 1-6).

Regarding claim 33 is rejected for the same reasons as discussed above with respect to claim 9.

Regarding claim 34, Irvin teaches that the transmission header (i.e., service token) is digitally-signed by the party that carries out the qualification in step (a) whereby the service provider system using this digital signing of the transmission header to check the origin and authenticity of the transmission header (abstract; fig.3; page 4, lines 14-20, page 10, lines 6-14, 23, 24).

Regarding claim 35 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Irvin teaches the positioning receiver (i.e., location server) of a wireless (i.e., cellular radio) communications infrastructure usable by the mobile entity (abstract; fig.1, fig.2; page 9, lines 20-24, page 10, lines 1-3).

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Regarding claims 36-38 are rejected for the same reasons as discussed above with respect to claims 13, 14 and 17 simultaneously.

Regarding claims 39, 42 are rejected for the same reasons as discussed above with respect to claim 8.

Regarding claim 40 is rejected for the same reasons as discussed above with respect to claims 18 and 28. Furthermore, Irvin teaches that a message (i.e., service) delivery subsystem for providing the particular message, the message (i.e., service) delivery subsystem being separate from the mobile entity (abstract; fig.1, fig.2; page 10, lines 6-14, 23, 24, page 11, lines 1-6).

Regarding claim 41 is rejected for the same reasons as discussed above with respect to claim 19.

9. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (International Pub. No. WO 00/30379) and in view of Scroggie et al. (U.S. Patent No. 6,185,541) and further in view of Eldridge et al. (U.S. Patent No. 6,601,102).

Regarding claim 32 is rejected for the same reasons as discussed above with respect to claim 28. Furthermore, Irvin teaches that the transmission header (i.e., service token) includes user identity data and is digitally-signed by the party that carried out the qualification in step (a) whereby the service provider system can check the authenticity of the data in the transmission header, the user mobile entity having an associated To Address field (i.e., public-key/private-key pair) and being required by the service provider system to authenticate its identity by using its Address field (i.e., private key) to sign and return data proposed by the service provider system (abstract; fig.3; page 4, lines 14-20, page 10, lines 6-14, 23, 24).

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However, Irvin in view of Scroggie fails to teach "the user mobile entity that passes the service token to the service provider system". Eldridge teaches the user mobile entity that passes the service token to the server (i.e., service provider system) (abstract; col.6, line 56-col.7, line 3). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Irvin in view of Scroggie to allow the user mobile entity that passes the service token to the service provider system as taught by Eldridge. The motivation for the modification is to have doing so in order to perform secure token-based document transaction services.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tayama (U.S. Patent No. 6,625,580) teach Wireless order and delivery system and Tayama (U.S. Patent No. 6,526,275) teach Method for informing a user of a communication device where to obtain a product and communication system employing same.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [shafiulalam.elaher@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

**Any response to this action should be mailed to:**



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M. E.

MD SHAFIUL ALAM ELAHEE

May 27, 2004

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